

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA,

Plaintiff,

- against -

J. RONALD TERWILLIGER, WILLIAM C.  
MACDONALD, JOSEPH S. TORG, and CFP  
RESIDENTIAL, L.P.,

Defendants.

Civil Case No.: 07-CV-8497 (DAB)

**JOINT DISCOVERY PLAN**

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, Plaintiff The Prudential Insurance Company of America (“Prudential”) and Defendants J. Ronald Terwilliger, William C. MacDonald, Joseph S. Torg, and CFP Residential, L.P. (collectively, “Defendants”) conferred on various dates, including April 7, 2008, May 5, 2008 and May 8, 2008. The parties set forth a proposed discovery plan below.

**I. Discovery Plan Pursuant to Rule 26(f)(3).**

**(A) Disclosures under Rule 26(a).**

The parties have agreed to exchange initial disclosures pursuant to Rule 26(a)(1) on or before June 13, 2008.

**(B) Subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues.**

The parties have agreed that the subjects for discovery should include all of the allegations set forth in the Amended Complaint and all of the defenses as asserted by the Defendants in their Answer. The parties have agreed that the schedule set forth below represents a reasonable timeline for fact discovery, expert discovery, and submission of dispositive motions. The parties do not believe that phased discovery or discovery only as to particular issues is necessary at this time.

<b>No.</b>	<b>Deadline/Event:</b>	<b>Date:</b>
1.	Deadline for exchange of initial disclosures.	June 13, 2008
2.	Deadline for joinder of additional parties.	September 5, 2008
3.	Deadline for amendment of pleadings.	October 3, 2008
4.	Close of fact discovery. All interrogatories, depositions, requests for admissions, and requests for production shall be served within sufficient time to allow responses to be completed prior to the close of discovery.	November 14, 2008
5.	Experts identified and exchange of expert reports pursuant to Rule 26(a)(2)(B) on those issues on which a party bears the burden of proof.	December 12, 2008
6.	Rebuttal experts identified and exchange of rebuttal expert reports.	January 16, 2009
7.	Completion of expert discovery.	February 13, 2009
8.	Any party planning to make a dispositive motion must take the first action beginning the motion process by this date or risk forfeiting the right to make such a motion.	March 13, 2009
9.	A joint pre-trial order shall be submitted.	To Be Set by the Court
10.	Pretrial Conference/Trial Ready Date.	To Be Set by the Court

**(C) Disclosure or discovery of electronically stored information, including the form or forms in which it should be produced.**

Where available, both parties agree to produce all electronic documents in their original, native format, including all attachments.

**(D) Claims of privilege or of protection.**

The parties intend to submit a proposed confidentiality order to the court that will govern privileged and work product material and the disclosure of confidential and proprietary information. The parties further agree that the inadvertent production of privileged or work product material will not operate as a waiver. The producing party has a right to recover the material when it discovers the inadvertent disclosure.

**(E) Limitations on discovery under the Federal Rules of Civil Procedure.**

The parties agree that no changes are necessary to the limitations on discovery imposed by the Federal Rules of Civil Procedure and by local rule.

**(F) Other orders that the court should issue under Rule 26(c) or under Rule 16(b) and (c).**

With the exception of the above-referenced proposed confidentiality order, the parties do not believe that other orders pursuant to Rule 26(c) or Rule (16)(b) and (c) are necessary.

**II. Settlement**

The parties have been engaged in settlement discussions and are intend to continue discussing a potential settlement concurrently with the litigation.

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Dated: May 23, 2008